



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF FUNERAL DIRECTORS AND EMBALMERS**
500 JAMES ROBERTSON PARKWAY, SECOND FLOOR
NASHVILLE, TENNESSEE 37243-1144
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www.state.tn.us/commerce/boards/funeral

**BOARD MEETING AGENDA
MARCH 14, 2006, 10:00 A.M. (CENTRAL TIME)
DAVY CROCKETT TOWER, CONFERENCE ROOM 160
NASHVILLE, TENNESSEE**

CALL TO ORDER AT _____ BY _____

ROLL CALL:

<u>BOARD MEMBERS</u>	<u>PRESENT</u>	<u>ABSENT</u>
RALPH BUCKNER	_____	_____
DANNY COOK	_____	_____
BOB FOSTER	_____	_____
WENDY HELLUM	_____	_____
DAVID MURPHY	_____	_____
STEPHEN MURPHY	_____	_____
NANCY VINCENT	_____	_____

APPROVAL OF MINUTES FOR THE JANUARY 10, 2006 MEETING:

MOTION _____ SECOND _____ PASS/FAIL _____

APPROVAL OF INDIVIDUAL LICENSES:

**JEREMY DAVID LEDFORD
LEBANON, TN**

FUNERAL DIRECTOR

Mr. Ledford completed his apprenticeship at Brentwood-Roesch-Patton Funeral Home in Brentwood under the supervision of Alfred E. Knight, III, Funeral Director license #4935 and Embalmer license #4934. Mr. Ledford passed the Tennessee Funeral Director Exam on January 14, 2006 and the Tennessee Laws and Rules Exam on November 14, 2005.

MOTION _____ SECOND _____ PASS/FAIL _____

**JOE F. SISTARE
BARTLETT, TN**

FUNERAL DIRECTOR

Mr. Sistare completed his apprenticeship at Forest Hill Funeral Home and Memorial Park in Memphis under the supervision of Susan T. Roney, Funeral Director license #4138 and Embalmer license #4197. Mr. Sistare passed the Tennessee Funeral Director Exam on December 12, 2005 and the Tennessee Laws and Rules Exam on January 14, 2006.

MOTION _____ SECOND _____ PASS/FAIL _____

**RANDY THOMAS STOECKER
GOODLETTSVILLE, TN**

FUNERAL DIRECTOR

Mr. Stoecker completed his apprenticeship at Madison Funeral Home, LLC, in Madison under the supervision of Jerry L. Hunt, Funeral Director license #2530. Mr. Stoecker passed the Tennessee Funeral Director Exam on January 14, 2006 and the Tennessee Laws and Rules Exam on February 11, 2006.

MOTION _____ SECOND _____ PASS/FAIL _____

**GEORGE EDWARD WILLIAMS
SPENCER, TN**

FUNERAL DIRECTOR

Mr. Williams completed his apprenticeship at Ewton Funeral Home, Inc., in Dunlap under the supervision of Daniel H. Ewton, Sr., Funeral Director license #2526. Mr. Williams passed the Tennessee Funeral Director Exam on November 14, 2005 and the Tennessee Laws and Rules Exam on January 14, 2006.

MOTION _____ SECOND _____ PASS/FAIL _____

**KRISTI LEE SELLARS
NASHVILLE, TN**

FUNERAL DIRECTOR/EMBALMER

Ms. Sellars completed her apprenticeship at Bond Memorial Chapel, LLC, in Mount Juliet under the supervision of Tracey H. Bond, Funeral Director license #3930 and Embalmer license #4072. Ms. Sellars passed the National Board Exam on December 22, 2004 and the Tennessee Laws and Rules Exam on February 11, 2006.

MOTION _____ SECOND _____ PASS/FAIL _____

JAMES ANDREW STATON
RICEVILLE, TN

FUNERAL DIRECTOR/EMBALMER

Mr. Staton completed his apprenticeship at Fike Funeral Home in Cleveland under the supervision of Darrin Lee Wolfe, Funeral Director license #5282 and Embalmer license #5283. Mr. Staton passed the National Board Exam on December 8, 2005 and the Tennessee Laws and Rules Exam on January 7, 2006.

MOTION _____ **SECOND** _____ **PASS/FAIL** _____

JEFF L. WILSON
SPARTA, TN

FUNERAL DIRECTOR/EMBALMER

Mr. Wilson completed his apprenticeship at Hunter Funeral Home in Sparta under the supervision of William Glenn Varble, Funeral Director license #2921 and Embalmer license #3408. Mr. Wilson passed the National Board Exam on December 19, 2005 and the Tennessee Laws and Rules Exam on January 7, 2006.

MOTION _____ **SECOND** _____ **PASS/FAIL** _____

BOBBY R. HUGHES
MEMPHIS, TN

FUNERAL DIRECTOR/EMBALMER
RECIPROCITY

Mr. Hughes is currently licensed in the State of Arkansas, Funeral Director license #4390 and Embalmer license #2378. Mr. Hughes passed the National Board Exam on August 15, 2005 and his licenses were issued by the Arkansas State Board of Embalmers and Funeral Directors on August 29, 2005. He passed the Tennessee Laws and Rules Exam on February 14, 2006.

MOTION _____ **SECOND** _____ **PASS/FAIL** _____

JAMES PATRICK BROSNAN
CHURCH HILL, TN

FUNERAL DIRECTOR/EMBALMER
RECIPROCITY

Mr. Brosnan is currently licensed in the Commonwealth of Pennsylvania, Funeral Director license #FD014728L. Mr. Brosnan passed the National Board Exam on September 24, 1999 and was issued a dual license by the Pennsylvania Board of Funeral Directors on December 15, 2000. He passed the Tennessee Laws and Rules Exam on February 11, 2006.

MOTION _____ **SECOND** _____ **PASS/FAIL** _____

**JAMES MICHAEL VANTREASE
BOWLING GREEN, KENTUCKY**

**FUNERAL DIRECTOR/EMBALMER
REAPPLICATION**

Mr. Vantrease previously held licenses in the State of Tennessee as a Funeral Director, license #4491 and as an Embalmer, license #4492. These licenses were issued December 16, 1994 and expired December 30, 2002. In consideration for approval of his reapplication, Mr. Vantrease passed the Tennessee Laws and Rules Exam on January 14, 2006 and completed ten hours of continuing education by an approved provider on December 23, 2005.

MOTION _____ SECOND _____ PASS/FAIL _____

APPROVAL OF ESTABLISHMENT LICENSES:

**ELLIS FUNERAL HOME
NASHVILLE, TN**

**NAME CHANGE
Ownership: Corporation**

The ownership would like the establishment name changed to **Ellis Funeral Home and Cremation Service** and retain license #775. The establishment is owned by Robert H. Whitley Funeral Service Inc., in Nashville, TN. The manager will be Robert H. Whitley, Funeral Director license #3618.

MOTION _____ SECOND _____ PASS/FAIL _____

**HOOPER-REED FUNERAL HOME
WHITWELL, TN**

**NAME & LOCATION CHANGES
Ownership: Corporation**

The ownership would like the establishment name changed to **Reed Funeral Home** and retain license #820. The establishment is moving from 2045 North Main Street, Whitwell to 11675 Highway 28, Whitwell. The establishment is owned by The Putnam Funeral Home, Inc., in Pikeville, TN. The manager will be Heather Reed Housley, Funeral Director license #5312 and Embalmer license #5313.

MOTION _____ SECOND _____ PASS/FAIL _____

**ANDERSON & ANDERSON
FUNERAL HOME, INC.
GALLATIN, TN**

**NAME & OWNERSHIP CHANGES
New Ownership: Corporation**

This establishment is owned by Family Heritage Funeral Home, Inc., Gallatin, TN. The officers of this corporation are Charles A. Alexander, President, and Sue Newby Alexander, Secretary/Treasurer. The manager will be Sue Newby Alexander, Funeral Director license #3697. The new ownership would like the establishment name changed to **Family Heritage Funeral Home** and retain establishment license #1111.

MOTION _____ SECOND _____ PASS/FAIL _____

BOND MEMORIAL CHAPEL, LLC
MOUNT JULIET, TN

NAME & OWNERSHIP CHANGES
New Ownership: Corporation

This establishment is owned by BMC Enterprises, Inc., in Mount Juliet, TN. The officers of the corporation are Andy Bond, President and CEO and Tracey Bond, Secretary/Treasurer. The manager will be James Anthony (Andy) Bond, Funeral Director license #3949 and Embalmer license #4110. The new ownership would like the establishment name changed to **Bond Memorial Chapel** and retain establishment license #1041.

MOTION _____ SECOND _____ PASS/FAIL _____

CROSS FUNERAL HOME, INC.
LAFOLLETTE, TN

CHANGE OF OWNERSHIP
New Ownership: Corporation

This establishment is owned by Cross Funeral Home, Incorporated, of LaFollette, Tennessee. The officers of the corporation are Terry Smith, President and Brenda J. Smith, Secretary. The manager will be Terry Lee Smith, Funeral Director license #3514. The new establishment would like to retain establishment license #233

MOTION _____ SECOND _____ PASS/FAIL _____

LYNCHBURG FUNERAL HOME
LYNCHBURG, TN

CHANGE OF OWNERSHIP
New Ownership: LLC

This establishment is owned by Lynchburg Funeral Home, LLC. The members of this limited liability company are Jeffrey Mark Gamble, Kent R. Gamble and Bettye J. Gamble. The manager will be Pamela Gamble Grant, Funeral Director license #4930. The new ownership would like the establishment name changed to **Lynchburg Funeral Home, LLC** and retain establishment license #861.

MOTION _____ SECOND _____ PASS/FAIL _____

CLICK FUNERAL HOME AND CREMATIONS,
HARDIN VALLEY CHAPEL
KNOXVILLE, TN

NEW ESTABLISHMENT
Ownership: LLC

This establishment is owned by Click Funeral Service, LLC of Knoxville, TN. The members of this Limited Liability Company are Larry Click, Chief Manager and Linda Parton, Secretary. The manager will be James Samuel Johnson, Funeral Director

license #3388 and Embalmer license #3712.

MOTION _____ SECOND _____ PASS/FAIL _____

**DIXIE FUNERAL HOME
GRAND JUNCTION, TN**

**NEW ESTABLISHMENT
Ownership: Proprietorship**

This establishment is owned by Micheal A. Miller of Bolivar, TN. The manager will be Micheal A. Miller, Funeral Director license #3758 and Embalmer license #3957.

MOTION _____ SECOND _____ PASS/FAIL _____

**GRANT FUNERAL SERVICES
ESTILL SPRINGS, TN**

**NEW ESTABLISHMENT
Ownership: Partnership**

This establishment is owned by Walter Glen Grant and Pamela Grant both of Winchester, TN. The manager will be Walter Glen Grant, Funeral Director license #2653 and Embalmer license #3285.

MOTION _____ SECOND _____ PASS/FAIL _____

**MURFREESBORO FUNERAL HOME
AND CREMATION SERVICES, INC.
MURFREESBORO, TN**

**NEW ESTABLISHMENT
Ownership: Corporation**

This establishment is owned by Murfreesboro Funeral Home, Inc., in Murfreesboro, TN. The officers of the corporation are Allen Baumstein, President and Melissa Spry, Secretary. The manager will be Allen Baumstein, Funeral Director license #4177.

MOTION _____ SECOND _____ PASS/FAIL _____

**R. A. CLARK FUNERAL SERVICE, INC.
BRISTOL, TN**

**NEW ESTABLISHMENT
Ownership: Corporation**

This establishment is owned by R. A. Clark Funeral Service, Inc. in Bristol, TN. The officers of the corporation are Richard A. Clark, President and Chairman, Mitchell L. Clark, General Manager and Travis E. Clark, Secretary and Treasurer. The manager will be Mitchell L. Clark, Funeral Director license #3707 and Embalmer license #3919.

MOTION _____ SECOND _____ PASS/FAIL _____

LEGAL REPORT:
LAUREN KITCHELL, STAFF ATTORNEY

- 1. Notice of Suspension – Delinquent Child Support**
- 2. Legal Case Report**

STAFF REPORT:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

1. Closed Establishments:

There have been two establishments closed since the last board meeting.

- **Victory Funeral Home, Inc. – Memphis, TN**
The office received a letter from Dorothy E. DeWalt, President of Victory Funeral Home, Inc., stating the establishment located at 845 Marechalneil Street closed effective January 10, 2006, upon the Board's approval of a new establishment license for Auston-Victory Funeral Home at this location.
- **Roesch-Patton-Austin-Bracey-Charlton Funeral Home – Nashville, TN**
The office received a facsimile on February 21, 2006, from Jeff L. Duffer, the general manager, stating the establishment located at 1715 Broadway closed effective February 21, 2006.

2. Disciplinary Actions:

The Board has previously approved the consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents with exception of a payment plan for the first complaint. The executive director requests the Board's acceptance of the following consent orders.

Complaint No. 2005024531

Violation: Failure to provide statutorily required crematory disclosures, failure to list reason for embalming on the statement of funeral goods and services selected, improper ventilation and an extreme unsanitary condition of the embalming/preparation room and failure to make available for inspection the license of a funeral director and embalmer

Action: \$2000 Civil Penalty

Complaint No. 2005026481

Violation: Immoral or unprofessional conduct and misrepresentation or fraud in the conduct of the business of the funeral establishment – forgery of a signature on a preneed policy without authorization to do so

Action: \$2000 Civil Penalty

Complaint No. 2005026391

Violation: Immoral or unprofessional conduct – payment directly or indirectly, or caused to be paid directly or indirectly any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of dead human bodies

Action: \$1000 Civil Penalty

Complaint No. 2005028101

Violation: Failure to place required permanent identification device in the remains of a decedent, failure to provide statutorily required crematory disclosures and failure to provide written receipt for cremated remains on another decedent

Action: \$1500 Civil Penalty

Complaint No. 2005039471

Violation: Caskets set up in another room other than the selection room that were being offered to the consumer in a package price which were not listed on the casket price list

Action: \$1000 Civil Penalty

Complaint No. 2004197131

Violation: Failure to provide an itemized list of goods and services after arrangements and immoral or unprofessional conduct – receiving full payment for a commodity and not providing the commodity for over a year after it was paid for

Action: \$1000 Civil Penalty

Complaint No. 2005025701

Violation: Several pricing violations, failure to include an effective date on required price lists, failure to properly provide the materials of which caskets are made and failure to place a reason for embalming on the statement of funeral goods and services selected

Action: \$1000 Civil Penalty

Complaint No. 2005039351

Violation: Incorrect price on the general price list for graveside services, the water in the funeral home had been turned off and the water meter was padlocked and the manager did not maintain regular hours

Action: \$1000 Civil Penalty

Complaint No. 2005039431

Violation: Failure to present required prices lists at inspection, the current license and last inspection report of crematory was not present at time of inspection and licenses of one employee was not available for inspection

Action: \$1000 Civil Penalty

Complaint No. 2005024911

Violation: Failure to make available for inspection the licenses of six separate funeral directors and employees and failure to make available the statement of funeral goods and services selected

Action: \$500 Civil Penalty

Complaint No. 2005041491

Violation: The casket and outer burial container price ranges did not match the price ranges on the general price list, no price range for cremation, caskets in the selection room did not match casket

prices listed on the casket price list, no description of outer burial containers and the licenses of one funeral director and embalmer were not available for inspection.

Action: \$750 Civil Penalty

Complaint No. 2005043791

Violation: Six caskets which were in the selection room were not listed on the casket price list, a copy of the crematory license and last crematory inspection report were not available, and the license of one funeral director was not available

Action: \$750 Civil Penalty

Complaint No. 2005041341

Violation: Deficiencies on general price list, outer burial container price list and statement of funeral goods and services selected, including the general price list was in book form but needed to be available to distribute to consumers, no description of items included in the traditional funeral service package and no reason for embalming on the statement of funeral goods and services selected

Action: \$750 Civil Penalty

Complaint No. 2005042751

Violation: Deficiencies on general price list, casket price list, outer burial container price list and statement of funeral goods and services selected and failure to affix a permanent identification device to the decedent

Action: \$750 Civil Penalty

Complaint No. 2005028051

Violation: Deficiencies on general price list, casket price list and outer burial container price list, failure to list caskets in the selection room on the casket price list, failure to retain changed price lists for the statutorily required period of one year after change and failure to make establishment license available for inspection

Action: \$700 Civil Penalty

Complaint No. 2005042501

Violation: The ventilation/exhaust system in the embalming/preparation room was not in proper working condition

Action: \$500 Civil Penalty

Complaint No. 2005042771

Violation: The general price list, casket price list, outer burial container price list and statement of funeral goods and services selected were not available for inspection and the license of one funeral director was not available for inspection

Action: \$500 Civil Penalty

Complaint No. 2005040051

Violation: Deficiencies on general price list and casket price list, including improper price ranges

Action: \$500 Civil Penalty

Complaint No. 2005041861

Violation: Deficiencies on general price list, casket price list and outer burial container price list

Action: \$500 Civil Penalty

Complaint No. 2005042431

Violation: Deficiencies on general price list, casket price list and outer burial container price list, two outer burial containers in the selection room were not priced and two were priced higher in the selection room than on the outer burial container price list

Action: \$500 Civil Penalty

Complaint No. 2005036821

Violation: The casket price list lacked strict specific disclosures and the cremation authorization did not contain required statutorily language

Action: \$500 Civil Penalty

Complaint No. 2005041671

Violation: Cremation authorizations were not in the files of two decedents, duplication of a charge and a price discrepancy

Action: \$500 Civil Penalty

Complaint No. 20050425311

Violation: Deficiencies on price lists, including failure to include required disclosure language on the general price list for basic services

Action: \$500 Civil Penalty

Complaint No. 2005031331

Violation: Immoral or unprofessional conduct – sending statements to relative who never entered into a contract and was not responsible for the bill

Action: \$500 Civil Penalty

Complaint No. 2005031341

Violation: Pricing violations, failure to list caskets in the selection room on the casket price list and failure to affix permanent identification device on decedent

Action: \$500 Civil Penalty

Complaint No. 2005025321

Violation: Deficiencies on price lists, including failure to include required disclosure language on the general price list for basic services

Action: \$500 Civil Penalty

Complaint No. 2005024621

Violation: Failure to provide statutorily required crematory disclosures and deficiencies on the casket and outer burial container price lists

Action: \$500 Civil Penalty

Complaint No. 2005025101

Violation: Failure to affix permanent identification device to decedent and failure to make available for inspection the license of a funeral director and embalmer

Action: \$250 Civil Penalty

Complaint No. 2005042911

Violation: The outer burial container price list did not include a description of each container

Action: \$250 Civil Penalty

Complaint No. 2005039441

Violation: Five outer burial containers were different on the units in the selection room than on the price list and deficiencies on the general price list and casket price list

Action: \$250 Civil Penalty

Complaint No. 2005043361

Violation: Advertisement that listed and pictured individuals who are not licensed as a funeral director or embalmer

Action: \$250 Civil Penalty

Complaint No. 2005025281

Violation: Failure to provide statutorily required crematory disclosures and language describing a casket on the immediate burial section of the general price list does not agree with the language on the casket price list

Action: \$250 Civil Penalty

Complaint No. 2005041851

Violation: A price discrepancy between the casket price list and the general price list and failure to affix a permanent identification device on the decedent

Action: \$250 Civil Penalty

Complaint No. 2005041391

Violation: Discrepancies on the general price list

Action: \$250 Civil Penalty

3. Manager Changes

There have been seventeen establishments report manager changes since the last board meeting.

Name of Establishment	Name of New Manager
Nashville Embalming, LLC	Richard Lloyd Smith
Nashville, TN	
Rawlings Funeral Home	David Eric Manes
Sevierville, TN	

Woodall-Anderson & Dugger FH & Crem. Ser.	Alfred Beryl Dugger
Johnson City, TN	
Northeast Tennessee Mortuary Services	Matthew Beryl Dugger
Bluff City, TN	
Mid-South Mortuary & Removal Service	John E. Dowling
Memphis, TN	
Highland Mem. Park, Funerals & Cremations	Jerry Wayne Taylor
Knoxville, TN	
Highland South Mem. Park, Fun. & Crem.	Damon W. Gibson
Knoxville, TN	
Highland West Mem. Park, Fun. & Crem.	Grady Tilman Rich
Knoxville, TN	
Wilson County Funeral Home & Mem. Park	Joseph Allen Moore
Lebanon, TN	
Gibson County Funeral Home	Earl M. Shaw, Jr.
Humboldt, TN	
Newby Funeral Home	Scotty Joe Brewer
Gallatin, TN	
Holley-Gamble Funeral Home	Benjamin John Gamble
Caryville, TN	
Phillips-Robinson Co., Inc., Hadley Chapel	Charles E. Worrell, Sr.
Old Hickory, TN	
Cole & Garrett FH & Cremation Services	Donald L. Garrison
White House, TN	
Stockdale-Malin Funeral Home	Jeffrey Clay Gaia
Camden, TN	
Pettus-Turnbo Funeral Home	Henry Clay Smith
Lawrenceburg, TN	
Calvary Memorial Funeral Home	Durell Antoine Williams
Memphis, TN	

4. Request from the Tennessee Funeral Directors Association -

Their annual convention will be Sunday, June 4 – Tuesday, June 6 at the Franklin Marriott Cool Springs in Franklin. They have requested that the Board of Funeral Directors and Embalmers hold their regular monthly meeting during the TFDA Convention on Tuesday, June 6TH from 1 P.M. to 4 P.M.

5. Funeral Rules

The executive director suggests that the Board start thinking about rule changes and bring specific written ideas to the meeting in April. The director also requests the Board's approval for him to work in conjunction with the staff attorney in preparing proposed ideas for presentation to the Board at the May meeting.

ADJOURN: